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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/817,129	04/02/2004	Michael Ellenbogen	25960-014	1489
30623	7590	11/17/2005		EXAMINER
MINTZ, LEVIN, COHN, FERRIS, GLOVSKY AND POPEO, P.C. ONE FINANCIAL CENTER BOSTON, MA 02111			KAO, CHIH CHENG G	
			ART UNIT	PAPER NUMBER
			2882	

DATE MAILED: 11/17/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/817,129	ELLENBOGEN ET AL.
Examiner	Art Unit	
Chih-Cheng Glen Kao	2882	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on \_\_\_\_\_.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-15 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-15 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 02 April 2004 is/are: a) accepted or b) objected to by the Examiner.
 

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____.   |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>3/25/05</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|  | 6) <input type="checkbox"/> Other: _____.                                   |

## DETAILED ACTION

### *Drawings*

1. The drawings are objected to because the handwritten numbers and words are not easy to read.

The drawings are objected to because #242 in Figure 3 appears to be directed to the wrong line.

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: (page 2, line 11, "tunnel 20").

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: (fig. 3, #270).

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an

Art Unit: 2882

application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Claim Objections***

2. Claims 1, 8-10, and 15 are objected to because of the following informalities, which appear to be minor draft errors including grammatical and lack of antecedent basis problems.

In the following format (location of objection; suggestion for correction), the following corrections may obviate their respective objections: (claim 1, line 3, "EDS"; replacing "EDS" with - -explosives detection- -), (claim 1, line 4, "the nature"; replacing "the" with - -a- -), (claim 7, line 3, "EDS"; replacing "EDS" with - -explosives detection- -), (claim 8, line 2, "EDS"; replacing "EDS" with - -explosives detection- -), (claim 9, line 2, "EDS"; replacing "EDS" with - -explosives detection- -), (claim 10, line 4, "the nature"; replacing "the" with - -a- -), (claim 10, lines 9-10, "nature; resolving"; inserting - -and- - after the semi-colon), and (claim 15, line 2, "prior to step"; inserting - -the- - before "step").

For purposes of examination, the claims have been treated as such. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-6 and 10-14 are rejected under 35 U.S.C. 102(b) as being anticipated by Krug et al. (US Patent 5642393).

4. Regarding claim 1, Krug et al. discloses a system comprising an initial explosives (col. 2, line 30) detection scanning system for identifying threats in packages based upon a scan of the packages and a nature of the threats (fig. 1, #12), a first secondary scanning system for resolving threats having a first nature (fig. 2), and a second secondary scanning system for resolving threats having a second nature (fig. 5).

5. Regarding claim 10, Krug et al. discloses a method comprising the steps of performing an initial scan (fig. 1, #12) of the packages (fig. 1, #14), identifying threats and a nature of the threats based upon the initial scan of packages (fig. 1, #12), performing a secondary scan of a first type on packages having threats of a first nature (fig. 2), performing a secondary scan of a second type on packages having threats of a second nature (fig. 5), and resolving threats based upon one of the secondary scan of the first type and the secondary scan of the second type (col. 6, lines 63-67).

6. Regarding claims 2 and 11, Krug et al. further discloses wherein the packages include baggage (abstract, line 2).

Art Unit: 2882

7. Regarding claims 3 and 14, Krug et al. would necessarily have the nature of threats including lack of identification (fig. 1, #14).

8. Regarding claims 4 and 12, Krug et al. further discloses wherein the first secondary scanning system includes a dual energy scanner (col. 2, lines 43-45).

9. Regarding claims 5, 6, and 13, Krug et al. further discloses wherein the first (fig. 2) and second (fig. 5) secondary scanning systems include a high resolution scanner.

10. Claims 1-6 and 8-14 are rejected under 35 U.S.C. 102(b) as being anticipated by Peschmann (US Patent 5367552).

11. Regarding claim 1, Peschmann discloses a system comprising an initial explosives (abstract, line 1) detection scanning system for identifying threats in packages based upon a scan of the packages and a nature of the threats (fig. 1-1, #32), a first secondary scanning system for resolving threats having a first nature (fig. 1-1, #24), and a second secondary scanning system for resolving threats having a second nature (fig. 6, and col. 13, lines 10-26).

12. Regarding claim 10, Peschmann discloses a method comprising the steps of performing an initial scan (fig. 1-1, #32) of the packages (fig. 1-1, luggage), identifying threats and a nature of the threats based upon the initial scan of packages (col. 4, lines 54-65), performing a secondary scan of a first type on packages having threats of a first nature (fig. 1-1, #24),

performing a secondary scan of a second type on packages having threats of a second nature (fig. 6, and col. 13, lines 10-26), and resolving threats based upon one of the secondary scan of the first type and the secondary scan of the second type (col. 5, lines 35-50).

13. Regarding claims 2 and 11, Peschmann further discloses wherein the packages include baggage (fig. 1-1, luggage).

14. Regarding claims 3 and 14, Peschmann would necessarily have the nature of threats including lack of identification (fig. 1-1, closed luggage).

15. Regarding claims 4 and 12, Peschmann further discloses wherein the first secondary scanning system includes a dual energy scanner (col. 10, lines 48-55).

16. Regarding claims 5, 6, and 13, Peschmann further discloses wherein the first (fig. 1-1, #24) and second (fig. 6, and col. 13, lines 10-26) secondary scanning systems include a high resolution scanner.

17. Regarding claim 8, Peschmann further discloses wherein at least one of the initial explosives detection scanning system, the first secondary scanning system, and the second secondary scanning system includes a CT scanner (fig. 1-1, #24).

Art Unit: 2882

18. Regarding claim 9, Peschmann further discloses wherein the explosives detection scanning system and at least one of the first secondary scanning system and the second secondary scanning system include processes within a single scanner (col. 9, lines 26-38).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

19. Claims 7 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Krug et al. ('393) as applied to claims 1 and 10 above, and further in view of Krug et al. (US Patent 5600700).

Krug et al. ('393) discloses a system and method as recited above.

However, Krug et al. ('393) fails to disclose an operator review station for reviewing threats identified by an initial explosives detection scanning system and clearing individual threats in packages prior to resolution by a secondary scanning system.

Krug et al. ('700) teaches an operator review station (fig. 10, #282) for reviewing threats identified by an initial explosives detection scanning system (fig. 10, #10) and clearing individual threats in packages prior to resolution by a secondary scanning system (fig. 10, #286).

It would have been obvious, to one having ordinary skill in the art at the time the invention was made, to incorporate the system and method of Krug et al. ('393) with the review

Art Unit: 2882

station of Krug et al. ('700), since one would be motivated to make such a modification for better processing (fig. 10) as implied from Krug et al. ('700).

### *Conclusion*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chih-Cheng Glen Kao whose telephone number is (571) 272-2492. The examiner can normally be reached on M - F (9 am to 5 pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ed Glick can be reached on (571) 272-2490. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

gk

  
EDWARD J. GLICK  
SUPERVISORY PATENT EXAMINER